

Introduced by Senator Padilla

February 27, 2009

An act to amend Section 22973 of, and to add Section 22973.3 to, the Business and Professions Code, relating to retail tobacco sales.

LEGISLATIVE COUNSEL'S DIGEST

SB 603, as introduced, Padilla. Retail tobacco sales: licenses.

The California Cigarette and Tobacco Products Licensing Act of 2003 requires a retailer to obtain a license from the State Board of Equalization to engage in the sale of cigarette and tobacco products in this state, and requires retailer licensees to pay a one-time license fee of \$100, no renewal fee, and a reinstatement fee of \$100 if the license is renewed after lapse, and authorizes the board to suspend or revoke the license of any retailer of tobacco products that is in violation of the act.

Existing law requires all moneys collected pursuant to the act to be deposited in the Cigarette and Tobacco Products Compliance Fund, which is available for appropriation by the Legislature solely for the purpose of implementing, enforcing, and administering the California Cigarette and Tobacco Products Licensing Act of 2003.

This bill would limit the number of retail licenses available, as specified. The bill would set the renewal fee at \$100.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 22973 of the Business and Professions
- 2 Code is amended to read:

1 22973. (a) An application for a license shall be filed on or
2 before April 15, 2004, on a form prescribed by the board and shall
3 include the following:

4 (1) The name, address, and telephone number of the applicant.

5 (2) The business name, address, and telephone number of each
6 retail location. For applicants who control more than one retail
7 location, an address for receipt of correspondence or notices from
8 the board, such as a headquarters or corporate office of the retailer,
9 shall also be included on the application and listed on the license.
10 Citations issued to licensees shall be forwarded to all addressees
11 on the license.

12 (3) A statement by the applicant affirming that the applicant
13 has not been convicted of a felony and has not violated and will
14 not violate or cause or permit to be violated any of the provisions
15 of this division or any rule of the board applicable to the applicant
16 or pertaining to the manufacture, sale, or distribution of cigarettes
17 or tobacco products. If the applicant is unable to affirm this
18 statement, the application shall contain a statement by the applicant
19 of the nature of any violation or the reasons that will prevent the
20 applicant from complying with the requirements with respect to
21 the statement.

22 (4) If any other licenses or permits have been issued by the
23 board or the Department of Alcoholic Beverage Control to the
24 applicant, the license or permit number of those licenses or permits
25 then in effect.

26 (5) A statement by the applicant that the contents of the
27 application are complete, true, and correct. Any person who signs
28 a statement pursuant to this subdivision that asserts the truth of
29 any material matter that he or she knows to be false is guilty of a
30 misdemeanor punishable by imprisonment of up to one year in the
31 county jail, or a fine of not more than one thousand dollars
32 (\$1,000), or both the imprisonment and the fine.

33 (6) The signature of the applicant.

34 (7) Any other information the board may require.

35 (b) The board may investigate to determine the truthfulness and
36 completeness of the information provided in the application. The
37 board may issue a license without further investigation to an
38 applicant for a retail location if the applicant holds a valid license
39 from the Department of Alcoholic Beverage Control for that same
40 location.

1 (c) The board shall provide electronic means for applicants to
2 download and submit applications.

3 (d) (1) ~~A one-time~~ *An initial* license fee of one hundred dollars
4 (\$100) shall be submitted with each application. An applicant that
5 owns or controls more than one retail location shall obtain a
6 separate license for each retail location, ~~but may submit a single~~
7 ~~application for those licenses with a one-time license fee of one~~
8 ~~hundred dollars (\$100) per location.~~

9 (2) ~~The one-time initial license fee~~ required by this subdivision
10 does not apply to an application for renewal of a license for a retail
11 location for which the ~~one-time~~ license fee has already been paid.
12 *For renewal licenses, the fee shall be one hundred dollars (\$100).*
13 If a license is reinstated after its expiration, the retailer, as a
14 condition precedent to its reinstatement, shall pay a reinstatement
15 fee of one hundred dollars (\$100).

16 SEC. 2. Section 22973.3 is added to the Business and
17 Professions Code, to read:

18 22973.3. (a) The number of licenses issued shall be limited to
19 one for each 2,500 persons, or fraction thereof, over 18 years of
20 age in the county in which the retail facilities are situated. No
21 additional license, other than a renewal or transfer, as provided by
22 subdivision (c), shall be issued for a county in which the number
23 of current licenses is more than one for every 2,500 persons, or
24 fraction thereof, 18 years of age or older. Applications shall be
25 granted, if they meet the requirements of this chapter, in the order
26 in which they are received.

27 (b) In an area where the number of current licenses exceeds the
28 amount allowed by subdivision (a), an existing license may be
29 transferred only under one of the following conditions:

30 (1) For the continued use at the same location upon the sale or
31 transfer of the business holding the license.

32 (2) For use at another location by the holder of the current
33 license, upon certification by the department that the new location
34 is not in an area of overconcentration.